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EXECUTIVE 10000

Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States

By virtue of the authority vested in me by section 207 of the Independent Offices Appropriation Act, 1948, approved April 20, 1948 (Public Law 491, 80th Congress), as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949, approved June 30, 1948 (Public Law 862, 80th Congress), and by sections 303, 443, and 853 of the Foreign Service Act of 1948 (60 Stat. 1002, 1008, 1024), and as President of the United States, I hereby prescribe the following regulations: (1) governing the payment of additional compensation to personnel of the United States employed outside the continental United States or in Alaska, under the provisions of the said section 207, as amended; (2) governing the payment of salary differentials to Foreign Service staff officers and employees serving at certain posts, pursuant to the said section 443; and (3) relating to unhealthful foreign posts, pursuant to the said section 853:

PART I--Additional Compensation in Foreign Areas

Section 101. Definitions. As used in this Part, (a) the words "foreign areas" mean all areas exclusive of (1) the forty-eight states of the United States, (2) the District of Columbia, and (3) territories as defined in section 201 of this order, and (b) the words "section 207 of the Act" mean section 207 of the Independent Offices Appropriation Act, 1948, approved April 20, 1948, Public Law 491, 80th Congress, as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949, approved June 30, 1948, Public Law 862, 80th Congress.

Section 102. Additional Compensation by reason of environment. The Secretary of State shall from time to time, subject to applicable law, (a) designate places in foreign areas having conditions of environment which differ substantially from conditions of environment in the United States and warrant additional compensation as a recruitment incentive, (b) fix for each such place the additional rate or rates of compensation to be paid by reason of such environment pursuant to section 207 of the Act, after giving due consideration to the degree of environmental difference, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "foreign post differential."

Section 103. Basis for foreign post differential. The Secretary of State may establish a foreign post differential for any place when, and only when, the place involves any one or more of the following: (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.

Sec. 104. Agencies covered. Subject to the provisions of section 207 of the Act and of this Part, every executive department, independent establishment, and wholly owned Government corporation shall pay a foreign post differential fixed under section 102 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that differential has been fixed.

Sec. 105. Persons eligible to receive foreign post differential. (a) In order that an employee be eligible to receive a foreign post differential under this Part, (1) he shall be a citizen or national of the United States, (2) his residence in the place to which the foreign post differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence at such place over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(b) Subject to the provisions of section 105 (a) hereof, the classes of persons eligible to receive the foreign post differentials fixed pursuant to section 102 hereof shall include:

(1) Persons recruited or transferred from the United States.

(2) Persons employed locally but (a) who were originally recruited from the United States and have been in substantially continuous employment by other Federal agencies, United States firms, interests, or organizations, international organizations in which the United States Government participates, or foreign governments, and whose conditions of employment provide for their return transportation to the United States, or (b) who were at the time of employment temporarily absent from the United States for purposes of travel or formal study and maintained residence in the United States during such temporary absence. When used in a geographical sense in section 105 (b) hereof, "United States" includes the areas included within the definition of Territories as set forth in section 201 hereof.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States in such area to accept employment therein with an agency of the Federal Government.

Sec. 106. Payment of foreign post differentials. (a) The following shall govern the payment of foreign post differentials under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment, transfer, or detail and shall stop as of departure from the post for separation, transfer, or detail, except that in case of local recruitment such payments shall begin and stop as of the beginning and end of employment.

(2) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which such persons receive basic compensation.

- 3 -

(3) Payment shall be made for all periods of sick leave and annual leave taken during the period covered under item (1) above and for transit time authorized for purposes of leave so taken.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation.

(b) Foreign post differentials paid under this Part shall not be included in the base used in computing overtime pay, night differential, holiday pay, and retirement or cost-of-living allowances.

Sec. 107. Persons serving under contract. Any other provisions of this Part notwithstanding, any person who would otherwise be eligible to receive a foreign post differential under this Part shall, if he is serving under contract, be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive a foreign post differential.

Sec. 108. Periodic review. The Secretary of State shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to section 102 hereof, with a view to making such changes therein as will insure that the payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified.

Sec. 109. Additional living cost compensation. No executive department, independent establishment, or wholly owned Government corporation shall pay, pursuant to section 207 of the Act, additional compensation to any employee located in any foreign area by reason of living costs which are substantially higher than those in the District of Columbia: Provided, That this section shall not be construed to prevent any payment under section 204 of said Independent Offices Appropriation Act, 1949, or under other appropriate authority.

Part II—Additional Compensation in Territories

Sec. 201. Definition. As used in this Part, (a) the word "Territories" means Alaska, Hawaii, the possessions of the United States, the Trust Territory of the Pacific Islands, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of the provisions of this Part, and (b) the words "section 207 of the Act" have the meaning set forth in section 101 hereof.

Sec. 202. Additional compensation by reason of environment. The United States Civil Service Commission shall from time to time, subject to applicable law, (a) designate places in Territories having conditions of environment which differ substantially from conditions of environment in the United States and warrant additional compensation as a recruitment incentive, (b) fix for each such place the additional rate or rates of compensation to be paid by reason of such environment pursuant to section 207 of the Act, after

giving due consideration to the degree of environmental difference, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "Territorial post differential."

Sec. 203. Basis for Territorial post differential. The Civil Service Commission may establish a Territorial post differential for any place in the Territories when, and only when, the place involves any one or more of the following: (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.

Sec. 204. Persons eligible to receive Territorial post differential. (a) In order that an employee be eligible to receive a Territorial post differential under this Part, (1) he shall be a citizen or national of the United States, (2)

his residence in the place to which the territorial post differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence at such place over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(b) Subject to the provisions of section 204 (a) hereof, the classes of persons eligible to receive the territorial post differentials fixed pursuant to section 202 hereof shall include:

(1) Persons recruited or transferred from outside the area concerned.

(2) Persons employed in the area concerned but (a) who were originally recruited from outside such area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U. S. Government participates, and whose conditions of employment provide for their return transportation to places outside the area concerned, or (b) who were at the time of employment temporarily present in the area concerned for purposes of travel or formal study and maintained residence outside such area during the period so present.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States in such area to accept employment therein with an agency of the Federal Government.

Sec. 205. Additional living cost compensation. (a) The United States Civil Service Commission shall from time to time, subject to applicable law, (1) designate places in the Territories where it determines that living costs are substantially higher than in the District of Columbia, (2) fix for each place so designated an additional rate or rates of compensation to be paid by reason of such higher living costs pursuant to section 207 of the Act, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "Territorial cost-of-living allowance."

(b) The Civil Service Commission shall, (1) in designating places under

set approved for release 2001/11/13 : CIA-RDP57-00384R000400190013-6

- 5 -

area and in the District of Columbia, and give due consideration to the differences in goods and services available and to the manner of living of persons employed in the areas concerned in positions comparable to those of United States employees in the areas, and (2) in fixing the Territorial cost-of-living allowance pursuant to such subsection, make appropriate deductions when quarters or subsistence, commissary or other purchasing privileges are furnished at a cost substantially lower than the prevailing local cost.

Sec. 206. Coordination. The Civil Service Commission shall define the extent to which and the conditions under which an employee serving within the Territories may receive both a territorial post differential and a territorial cost-of-living allowance, pursuant to section 207 of the Act. In carrying out its functions under this Part the Commission may take due notice of any special allowances, other than under section 207 of the act, granted to personnel employed by the United States in Territories.

Sec. 207. Agencies covered. Subject to the provisions of section 207 of the Act and of this Part, every Executive department, independent establishment, and wholly owned Government corporation shall pay (a) a territorial post differential fixed under section 202 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that differential has been fixed, and (b) a territorial cost-of-living allowance fixed under section 205 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that allowance has been fixed.

Sec. 208. Payment of territorial post differentials and cost-of-living allowances. (a) The following shall govern the payment of territorial post differentials and territorial cost-of-living allowances under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment, transfer, or detail and shall stop as of departure from the post for separation, transfer, or detail, except that in the case of local recruitment such payments shall begin and stop as of the beginning and end of employment.

(2) Payments to persons serving on a part-time basis shall be proportioned to cover only those periods of time for which such persons receive basic compensation.

(3) Payment shall be made for all periods of sick leave and annual leave taken during the period covered by item (1) above and for transit time authorized for purposes of leave so taken.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation.

(b) Territorial post differentials paid shall not be included in the base used in computing overtime pay, high differential, holiday pay, and retirement deduction.

- 6 -

Sec. 209. Persons serving under contract. Any other provision of this Part notwithstanding, any person who would otherwise be eligible to receive a Territorial post differential or a Territorial cost-of-living allowance under this Part shall, if he is serving under a contract, be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive said differential and allowance.

Sec. 210. Periodic review. The Civil Service Commission shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to this Part, with a view to making such changes therein as will insure that payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified.

Part III—INTERIM ALLOWANCES

Sec. 301. Temporary regulations. During the period commencing with the date of this order or the effective date of section 207 of the Act (as defined in section 101 hereof), whichever shall occur earlier, and ending on a date or dates fixed by the Secretary of State and the Civil Service Commission, respectively, as the effective dates of the designation of places and of the fixing of additional rates of compensation, under Parts I and II of this order, but in no event later than January 1, 1949, and notwithstanding the provisions of Parts I and II of this order, the payment of salaries and compensation (including the payment of additional compensation) of persons subject to the provisions of said section 207 shall be governed by the regulations and practices in effect in the respective Executive departments, independent establishments, and wholly owned government corporations immediately prior to April 20, 1948, Executive Order No. 9962 of May 24, 1948 is hereby revoked.

PART IV—FOREIGN SERVICE SALARY DIFFERENTIALS

Sec. 401. Foreign Service differential posts. Pursuant to section 443 of the Foreign Service Act of 1946, the rates of salary provided for positions of Foreign Service staff officers and employees are hereby found and declared to be inadequate at certain posts at which extraordinarily difficult living conditions or excessive physical hardship prevail or at which notably unhealthful living conditions exist, and which have been or may be included on the list of differential posts prepared and maintained for the purposes of said section 443 by the Secretary of State, which posts shall be known as "Foreign Service Differential Posts."

Sec. 402. Salary differentials. Foreign Service staff officers and employees at the posts referred to in section 401, above, shall, while such posts remain Foreign Service differential posts, be paid additional compensation in the form of salary differentials at 5 percent, 10 percent,

- 7 -

12½ percent, 15 percent, 20 percent, and 25 percent of the basic salary rates of the staff corps pay schedule, in accordance with such regulations as the Secretary of State may prescribe.

Sec. 403. Effective date. The salary differentials provided for in this Part shall be applicable to each officer and employee upon the beginning of his first pay period commencing after the date of this order.

Sec. 404. Termination of this Part. Unless hereafter extended, the provisions of this Part shall terminate June 30, 1951.

PART V.—UNHEALTHFUL POSTS

Sec. 501. Additional unhealthful posts. Pursuant to section 853 of the Foreign Service Act of 1946, the following places at which diplomatic or consular offices were formerly or are now maintained are hereby added as of January 1, 1942, to the list of unhealthful posts established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, and by Executive Order No. 7062 of June 5, 1935;

Accra, Gold Coast, West Africa
Addis Ababa, Ethiopia
Basra, Iraq
Beira, Mozambique, Africa
Bogota, Colombia
Brassaville, French Equatorial Africa
Camaguey, Cuba
Caripito, Venezuela
Cayenne, French Guiana
Chengtu, China
Corumba, Brazil
Ciudad Belivar, Venezuela
Coatzacoalcos, Mexico
Cucuta, Colombia
Dhahran, Saudi Arabia
Florianopolis, Brazil
Fortaleza, Brazil
Godthamb, Greenland
Guadeloupe, French West Indies
Iquique, Chile
Iquitos, Peru
Iskenderun, Turkey
Jidda, Saudi Arabia
Kabul, Afghanistan
Kunming, China
Kweilin, China
Lanchow, China
La Paz, Baja California, Mexico
Manila, P. I.
Manta, Ecuador

- 3 -

Natal, Brazil
New Delhi, India
 Noumea, New Caledonia
Paramaribo, Surinam
Port au Prince, Haiti
Puerto la Cruz, Venezuela
Puntarenas, Costa Rica
Quito, Ecuador
Rio, Bacha, Colombia
Samsun, Turkey
Sao Vicente, Cape Verde Islands
Sian, China
Suez, Egypt
Suva, Fiji Islands
Tabriz, Iran
Tampachulta, Mexico
Tegucigalpa, Honduras
Tehran, Iran
Tihua, China
Victoria, Brazil
Vladivostok, U. S. S. R.

Sec. 502 (a) Unhealthful ports discontinued. The following places at which diplomatic or consular offices are now maintained are hereby removed from the list of unhealthful ports referred to in section 501 above:

Acapulco, Mexico
Alvaro Obregon (Frontiera)
Any, China
Bluefields, Nicaragua
Caiarian, Cuba
Cienfuegos, Cuba
Corinto, Nicaragua
Foochow, China
Habana, Cuba
Lourenco Marques, Mozambique
Manaos, Brasil
Matamoros, Mexico
Matanzas, Cuba
Medan, Sumatra
Muscat (Maskat), Oman
Nuevoitan, Cuba
Penang, Straits Settlements
Port Limon, Costa Rica
Progreso, Mexico
Puerto Barrios, Guatemala
Puerto Caballo, Venezuela
Puerto Castilla, Honduras

- 9 -

Puerto Plata, Dominican Republic
Roma, Belgian Congo
Salina Cruz, Mexico
Sandakan, British North Borneo
Santa Marta, Colombia
Santa Rosalia, Mexico
Surabaya, Java
Swatow, China

(b) The cancellation of the designation of the above thirty posts as unhealthful shall not affect any credit which has accrued for service at these posts prior to the date of this order.

Sec. 503. Termination of designation. Unless hereafter extended, all designations of unhealthful posts under this Part and under any Executive order referred to in this Part shall terminate on June 30, 1951.

PART VI—GENERAL PROVISIONS

Sec. 601. Publication. This order, and the places designated, the rates fixed, and the regulations prescribed by the Secretary of State and the Civil Service Commission pursuant to Parts I and II of this order, shall be published in the Federal Register.

/S/
HARRY S. TRUMAN

The White House
September 16, 1948